

# Health Services (St Joseph's Hospital) Order 2023

[2023-594]



New South Wales

## Status Information

### Currency of version

Current version for 3 November 2023 to date (accessed 20 May 2024 at 20:18)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2028

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 8 November 2023

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New South Wales

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# Health Services (St Joseph's Hospital) Order 2023



New South Wales

## Part 1 Preliminary

### 1 Name of order

This order is the [Health Services \(St Joseph's Hospital\) Order 2023](#).

### 2 Commencement

This order commences on 8 November 2023.

### 3 Definitions

In this order—

**the Act** means the [Health Services Act 1997](#).

**transfer date** means 8 November 2023.

**transfer deed** means the agreement entered into by St Vincent's Hospital Sydney Limited and Western Sydney Local Health District to set out—

(a) St Vincent's Hospital Sydney Limited's consent to transfer St Joseph's Hospital (Auburn) and certain assets, rights and liabilities to Western Sydney Local Health District under the Act, section 64(1)(a), and

(b) the process and other relevant matters for the transfer.

**transferring employee** means a person whose employment is transferred under section 7 on the transfer date.

#### Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this order.

## **Part 2 Transfer of St Joseph's Hospital (Auburn)—the Act, s 64(1)**

### **4 Transfer of St Joseph's Hospital (Auburn) to Western Sydney Local Health District**

- (1) For the Act, section 64(1)(a), St Joseph's Hospital (Auburn) is transferred to Western Sydney Local Health District on the transfer date.
- (2) This section applies only to the employees and assets, rights and liabilities referred to in Part 3.

### **5 Consequential amendment of [Health Services Act 1997 No 154](#)**

**Schedule 3 Affiliated health organisations** Omit "St Joseph's Hospital (Auburn)." from the matter relating to St Vincent's Hospital Sydney Limited.

## **Part 3 Transfer of assets, rights and liabilities—the Act, s 64(1)**

### **Note—**

The Act, Schedule 4, clause 5(1) provides that on and from the date specified in an order under the Act, section 64(1)(a) transferring a public hospital or health institution of an affiliated health organisation that is a recognised establishment of the organisation to a local health district, the Act, Schedule 4, Part 2 has effect to the extent of the transfer.

### **6 Transfer of trusts**

St Vincent's Hospital Sydney Limited's interest as trustee on the transfer date for the following trusts, as identified in the transfer deed, is transferred to Western Sydney Local Health District on the transfer date—

- (a) the Kamberra bequest trust fund,
- (b) the motor neurone disease trust fund.

### **7 Transfer of employees and funds for accrued employee entitlements**

- (1) The relevant employees immediately before the transfer date are transferred with their accrued employee entitlements to the Western Sydney Local Health District division of the NSW Health Service on the transfer date.
- (2) From the transfer date, Western Sydney Local Health District is solely responsible for the accrued employee entitlements transferred in subsection (1).
- (3) On the date specified in the transfer deed, St Vincent's Hospital Sydney Limited must pay Western Sydney Local Health District the amount determined in accordance with the transfer deed as representing the accrued entitlements and liabilities associated with the relevant employees.
- (4) In this section—

**relevant employees** means employees—

- (a) employed by St Vincent's Hospital Sydney Limited exclusively in relation to St Joseph's Hospital (Auburn), and
- (b) identified in the transfer deed as transferring employees.

## **8 Transfer of equipment and intellectual property**

- (1) The following are transferred to Western Sydney Local Health District on the transfer date—
  - (a) all relevant equipment,
  - (b) intellectual property in relation to relevant documents.
- (2) On the transfer date, Western Sydney Local Health District must pay St Vincent's Hospital Sydney Limited the amount specified in the transfer deed as compensation for the transfer of relevant equipment.
- (3) In this section—

**relevant documents** means the documents containing copyright material that are identified in the transfer deed as transferring to Western Sydney Local Health District.

**relevant equipment** means the equipment identified in the transfer deed as transferring to Western Sydney Local Health District.

## **9 Transfer of records**

- (1) The following documents relating exclusively to St Joseph's Hospital (Auburn) are transferred to Western Sydney Local Health District on the transfer date—
  - (a) relevant patient records,
  - (b) the records and files of the transferring employees held by St Vincent's Hospital Sydney Limited that are required to be—
    - (i) held under applicable NSW Health Service terms and conditions, and
    - (ii) maintained by St Vincent's Hospital Sydney Limited under the enterprise agreement applying to the transferring employees immediately before the transfer date,
  - (c) other documents necessary for the continuity of services as agreed between St Vincent's Hospital Sydney Limited and Western Sydney Local Health District.
- (2) All other documents relating to St Joseph's Hospital (Auburn) remain the property of St Vincent's Hospital Sydney Limited.
- (3) In this section—

***relevant patient records*** means records for the classes of patients referred to in the transfer deed.

#### **10 Exclusions from transfer**

- (1) No interests in, or liabilities in relation to, real property or fixtures are transferred to Western Sydney Local Health District.
- (2) Except as provided by this order, the following are not transferred to Western Sydney Local Health District—
  - (a) assets or rights,
  - (b) liabilities relating to St Joseph's Hospital (Auburn) incurred in, or that relate to, the period before the transfer date.